

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

ANTHERS CAGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:12CV87 SNLJ
	)	
MULTIBAND, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's request for additional time to obtain counsel. Defendant has filed a response opposing the motion. For the following reasons, the Court will deny plaintiff's request.

Plaintiff filed this case on December 26, 2011, through counsel, Law Offices of Brain R. Barjenbruch, L.L.C. On June 29, 2012, this Court entered an order allowing Plaintiff to proceed *pro se* because plaintiff had been unable to contact his attorney and his attorney was not admitted to practice in this Court. On December 7, 2012, Robert M. Miller, William M. Wunderlich & Associates, filed an entry of appearance on plaintiff's behalf. On July 18, 2013, this Court entered a case management order setting the close of discovery for March 3, 2014 and the deadline to submit dispositive motions as September 2, 2014.

In accordance with this Court's case management order, on August 29, 2014, defendant filed its motion for summary judgment. On September 19, 2014, one business day before the due date for plaintiff's response to the motion for summary judgment,

plaintiff's counsel filed a motion for leave to withdraw because plaintiff "has engaged in a course of conduct that has rendered it unreasonably difficult" for his counsel to continue to represent him and plaintiff had advised counsel that he intended to seek new counsel. At the same time, plaintiff's counsel filed a request for an extension of plaintiff's deadline to respond to defendant's motion for summary judgment. The Court granted the motion to withdraw and entered an Order extending plaintiff's response deadline on motion for summary judgment to October 20, 2014. In that Order, the Court stated that no further extensions would be granted.

On November 17, 2014, the Court *sua sponte* issued an Order providing notice to plaintiff that if he did not respond to the motion for summary judgment within twenty-one days it would be taken up as an unopposed motion. Plaintiff did not file a response to the motion on or before December 8, 2014 and still has not filed a response.

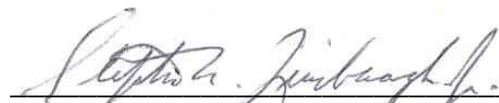
On December 12, 2014, plaintiff filed a request for additional time to obtain counsel. Plaintiff's request fails to state any reason why he has been unable to obtain counsel or why he needs additional time to obtain counsel. Plaintiff had sufficient time to obtain new counsel following the withdrawal of counsel. The parties' pretrial submissions are presently due to the Court on or before January 6, 2015, with a trial setting on January 26, 2015. This matter has been pending for nearly three years. The parties have had the Court's case management order for more than a year. Plaintiff was well-aware of the deadlines in this case. Under the circumstances, the Court will deny plaintiff's request. "Litigants do not have an absolute right to continuances to prepare for trial or to obtain counsel." *Jones v. Hertz Corp.*, 4:10CV603 TIA, 2011 WL 5245454, at

\*4 (E.D. Mo. Nov. 3, 2011) (citing *Schooley v. Kennedy*, 712 F.2d 372, 374 (8th Cir. 1983)(citing *Grunewald v. Missouri Pac. R.R. Co.*, 331 F.2d 983, 986 (8th Cir. 1964))).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's request for additional time to obtain counsel (ECF #51) is **DENIED**.

Dated this 15th day of December, 2014.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE